

**To:** Kohler, Amanda[Kohler.Amanda@epa.gov]; Gross, Barbara[Gross.Barbara@epa.gov]  
**Cc:** Buzzell, Tricia[Buzzell.Tricia@epa.gov]  
**From:** Huetteman, Tom  
**Sent:** Mon 6/6/2016 6:48:22 PM  
**Subject:** RE: Rep. Becerra response on Exide

Amanda,

Could you add the list of 12 operating facilities in interim status still needing a permit to the response? Thanks, Tom

Tom Huetteman, Assistant Director

Land Division, USEPA Region 9

415-972-3751

**From:** Kohler, Amanda  
**Sent:** Monday, June 06, 2016 10:31 AM  
**To:** Huetteman, Tom <Huetteman.Tom@epa.gov>; Gross, Barbara <Gross.Barbara@epa.gov>  
**Cc:** Buzzell, Tricia <Buzzell.Tricia@epa.gov>  
**Subject:** RE: Rep. Becerra response on Exide

Thanks Tom – I have no issue with these changes and have incorporated them into the version I just sent Barnes. Once he gives the OK, I'll forward the response to Pamela and Randy (in OCIR).

Amanda Kohler

703-347-8975

**From:** Huetteman, Tom  
**Sent:** Monday, June 06, 2016 10:34 AM  
**To:** Kohler, Amanda <Kohler.Amanda@epa.gov>; Gross, Barbara <Gross.Barbara@epa.gov>

**Cc:** Buzzell, Tricia <[Buzzell.Tricia@epa.gov](mailto:Buzzell.Tricia@epa.gov)>  
**Subject:** RE: Rep. Becerra response on Exide

Amanda,

I got a last set of edits (to the footnote and response #2). This is good to go on our end. I've attached a clean version and then a track changes version showing the changes made to Friday's version.

Thanks, Tom

Tom Huetteman, Assistant Director

Land Division, USEPA Region 9

415-972-3751

**From:** Kohler, Amanda  
**Sent:** Friday, June 03, 2016 12:32 PM  
**To:** Huetteman, Tom <[Huetteman.Tom@epa.gov](mailto:Huetteman.Tom@epa.gov)>; Gross, Barbara <[Gross.Barbara@epa.gov](mailto:Gross.Barbara@epa.gov)>  
**Cc:** Scott, Jeff <[Scott.Jeff@epa.gov](mailto:Scott.Jeff@epa.gov)>; Buzzell, Tricia <[Buzzell.Tricia@epa.gov](mailto:Buzzell.Tricia@epa.gov)>  
**Subject:** RE: Rep. Becerra response on Exide

Tom,

As I discussed with you over the phone, I don't see any issues with the shortened response. I did make one minor change as described below. The latest version is attached – please let us know when you are OK with us sending to Barnes!

Amanda Kohler

703-347-8975

“The utility of such changes would be minimal as EPA has been working closely with state partners over the past several years to reduce the total number of interim status operating facilities still needing a RCRA permit to twelve.”

**From:** Huetteman, Tom  
**Sent:** Friday, June 03, 2016 2:28 PM  
**To:** Gross, Barbara <[Gross.Barbara@epa.gov](mailto:Gross.Barbara@epa.gov)>; Kohler, Amanda <[Kohler.Amanda@epa.gov](mailto:Kohler.Amanda@epa.gov)>  
**Cc:** Scott, Jeff <[Scott.Jeff@epa.gov](mailto:Scott.Jeff@epa.gov)>  
**Subject:** RE: Rep. Becerra response on Exide

Amanda,

Our Regional Administrator's office wanted to see the response shortened to make it easier to understand. The changes are pretty substantial. Let's talk by phone if these changes are a concern. I'm attaching a clean and track changes version.

Thanks, Tom

Tom Huetteman, Assistant Director

Land Division, USEPA Region 9

415-972-3751

**From:** Gross, Barbara  
**Sent:** Thursday, June 02, 2016 4:29 PM  
**To:** Kohler, Amanda <[Kohler.Amanda@epa.gov](mailto:Kohler.Amanda@epa.gov)>

**Cc:** Huetteman, Tom <[Huetteman.Tom@epa.gov](mailto:Huetteman.Tom@epa.gov)>  
**Subject:** RE: Rep. Becerra response

Hi Amanda -

Our RA's office wants to substantially reduce the content of both responses. We expect a draft from them on Fri. Tom will be in touch with you as I am out on Friday.

Thanks - Barbara

BARBARA GROSS ..... Manager, Permits Section ..... USEPA Region 9, Land Division .....  
415.972.3972

**From:** Kohler, Amanda  
**Sent:** Thursday, June 02, 2016 5:53 AM  
**To:** Gross, Barbara <[Gross.Barbara@epa.gov](mailto:Gross.Barbara@epa.gov)>  
**Cc:** Buzzell, Tricia <[Buzzell.Tricia@epa.gov](mailto:Buzzell.Tricia@epa.gov)>  
**Subject:** Rep. Becerra response

Hi Barbara,

As an update, we received comments from Barnes Johnson yesterday on the Rep. Becerra response – they were very minor (see below). Right now we're holding the response pending any further comments from Region 9, so please let us know when you hear something!

Amanda

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2. *"What are the circumstances under which you would deny a permit?" (Asked by Rep. Becerra staff during a conference call with EPA Region 9.)*

RCRA requires a permit for the treatment, storage, and disposal of any hazardous waste as identified or listed in 40 CFR part 261. A permit application provides information on the nature and extent of an applicant's hazardous waste activities (40 CFR 270). The permit application process normally takes several years because the regulations under RCRA require a great deal of information to enable the permitting agency (typically an authorized state) to determine whether the facility is designed and operated in a manner protective of human health and the environment and compliant with the regulations, and to establish permit controls to ensure the facility's continued compliance and protectiveness. It is an iterative often a process of submittal, review, and resubmittals in response to agency requests tied to compliance with legal requirements.

Section 270.29 states that the Director (whether state or EPA) may, pursuant to 40 CFR part 124, deny a permit application either in its entirety or as to the active life of the hazardous management unit or facility only. While permit denial is an important authority that can and has been used, denial of a permit is relatively rare because the rigorous application process described above generally either works towards an acceptable permit; or drives a facility to choose to close because they are unwilling or unable to meet the regulatory requirements governing facility operations.